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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,585	12/05/2001	Timothy R. Spooner	Analog 5721-5	3538
7590	04/01/2005		EXAMINER	
Matthew E. Connors Gauthier & Connors LLP Suite 3300 225 Franklin Street Boston, MA 02110			NGUYEN, TUAN H	
			ART UNIT	PAPER NUMBER
			2813	
			DATE MAILED: 04/01/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

EY

Office Action Summary	Application No.	Applicant(s)	
	10/007,585	SPOONER ET AL.	
	Examiner	Art Unit	
	Tuan H. Nguyen	2813	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 December 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11,24-29,33-38 and 40-45 is/are pending in the application.
- 4a) Of the above claim(s) 1-11,24,25,33-38 and 40-45 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 26-29 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 26-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Silverbrook.

See Silverbrook, figs. 1-8 and related text on col. 1-4 which discloses the claimed method for protecting a MEMS wafer during a dicing including the steps of mounting, upon a backside 22 of the MEMS wafer 14, a layer of dicing tape 38 (fig. 5), the MEMS wafer 14 having a plurality of MEMS structure sites 18 on a front side and a plurality of through holes 26, each through hole corresponding to a MEMS structure site, the through holes 26 being formed such that each through hole penetrates through the wafer 14 from backside of the wafer to the front side (fig. 4); mounting, upon the front

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side 12 of the MEMS wafer 14, prior to dicing, a wafer cap 10 to produce a laminated MEMS wafer, the wafer cap 10 having a first side and a second side, the first side being opposite of the second side, the first side of the wafer cap 10 being recessed in areas corresponding to locations of the a MEMS structures sites 18 on the MEMS wafer 14, the second side of the wafer cap 10 being substantially planar (figs. 1-2); dicing the MEMS wafer 14 into a plurality of dies such that each die includes a MEMS structure site and a corresponding through hole 50 (fig. 7); mounting, upon the dicing tape 38, a layer of transfer tape 40 (figs. 7-8, col. 3, lines 30-9).

With respect to claim 27, see col. 3, second paragraph.

With respect to claim 28, see fig. 8, col. 3, lines 40-50.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook as applied to claims 26-28 above, and further in view of Ohkawa et al.'873 (cited ref.).

Silverbrook, figs. 1-8 and related text on col. 1-4 discloses substantially the claimed method for protecting a MEMS wafer during a dicing, as explained above, except silent about the use of a die ejection needle assembly rather than vacuum pickup to disengage the die from the dicing tape.

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Ohkawa et al., in col. 23, lines 40-52, teaches the removal of dies by initially exposing the dicing tape to UV radiation and disengaging the dies from the dicing tape with a die ejection needle.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have replaced the vacuum pickup from Silverbrook with a die ejection needle from Ohkawa et al. for disengaging the dies from the dicing tape, since the substitution of art recognized equivalence are within the level of those skill in the art.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Response to Arguments

Applicant's arguments with respect to claims 26-28 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is 571-272-1694. The examiner can normally be reached on 9AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Whitehead Jr. can be reached on 571-272-1702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuan H. Nguyen
Tuan H. Nguyen
Primary Examiner
Art Unit 2813